UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/371
18 October 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 82

IMPLEMENTATION OF THE DECLARATION ON THE DENUCLEARIZATION OF AFRICA

Report of the Third Meeting of the Group of Experts to Draw up a Draft Treaty or Convention on the Denuclearization of Africa

Note by the Secretary-General

The General Assembly, in its resolution 47/76 of 15 December 1992, inter alia, requested:

> "the Secretary-General, in consultation with the Organization of African Unity, to take appropriate action to enable the Group of Experts designated by the United Nations in cooperation with the Organization of African Unity to meet during 1993 at Harare, in order to draw up a draft treaty or convention on the denuclearization of Africa, and to submit the report of the Group of Experts to the General Assembly at its forty-eighth session".

The present report of the Group of Experts is submitted by the Secretary-General pursuant to the above-mentioned request.

ANNEX

Report of the Third Meeting of the Group of Experts to Draw up a Draft Treaty or Convention on the Denuclearization of Africa

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Letter of transmittal dated 26 July 1993 from the Chairman of the Third Meeting of the Group of Experts to Draw up a Draft Treaty or Convention on the Denuclearization of Africa addressed to the Secretary-General

I have the honour to submit herewith the report of the Third Meeting of the Group of Experts to Draw up a Draft Treaty or Convention on the Denuclearization of Africa. The Group was appointed by you in pursuance of General Assembly resolution 47/76 of 15 December 1992.

The experts appointed by you were the following:

Ambassador Oluyemi Adeniji, Director General,
Ministry of Foreign Affairs, Nigeria

Ambassador Fathi Marei,
Adviser on Arms Control Issues
to the Minister of Foreign Affairs, Egypt

Mrs. Liberata Mulamula, Counsellor,
Africa and Middle East Department,
Ministry of Foreign Affairs,
United Republic of Tanzania

Mr. Gift Punungwe, Chief,
International Organizations Department,
Ministry of Foreign Affairs, Zimbabwe

The Hon. Mr. Louis Amedee Darga,
Member of Parliament,
Mauritius

Mr. Cheickh Sylla, Technical Adviser,
Cabinet Office,
Ministry of Foreign Affairs, Senegal

Ambassador Ibrahima Sy, Executive Secretary,
Office of the Organization of African Unity,
New York

Colonel Gustave Zoula,
Chief of Section for Defence and Security,
Organization of African Unity,
Addis Ababa, Ethiopia

Dr. Mohamed Elbaradei, Assistant Director-General, Division of External Relations, International Atomic Energy Agency (IAEA), Vienna, participated as an expert; and Ms. Bronte Moules, Alternate Representative on the Australian delegation to the Conference on Disarmament, Geneva, participated as an expert observer from a Party to the South Pacific Nuclear-Free-Zone Treaty (Treaty of Rarotonga).

Ambassador Jeremy B. Shearer, Deputy Director-General of the Multilateral Branch of the Department of Foreign Affairs of South Africa, Mr. Roger Jardine, Nuclear Scientist, African National Congress (ANC), Johannesburg, and Dr. Solly Skosana, Secretary for Environmental Affairs, Pan Africanist Congress of Azania (PAC), Johannesburg, attended the meeting as expert observers.

The Third Meeting of the Group of Experts, which was organized by the United Nations in cooperation with the Organization of African Unity, was held in Harare from 5 to 8 April 1993.

The members of the Group of Experts wish to express their appreciation for the assistance that they received from the staff members of the Secretariat of the United Nations. They wish, in particular, to convey their special thanks to the Secretary of the Group of Experts, Mr. Sola Ogunbanwo, Senior Coordinator of the United Nations Disarmament Fellowship, Training and Advisory Services Programme, who also participated as Chief Expert Adviser.

I have been requested by the Group of Experts, as its Chairman, to submit to you, on its behalf, this report, which was unanimously endorsed.

(Signed) Ambassador Oluyemi ADENIJI
Chairman of the Group of Experts
to Draw up a Draft Treaty or Convention
on the Denuclearization of Africa

I. INTRODUCTION

1. In its resolution 47/76 of 15 December 1992, the General Assembly of the United Nations, bearing in mind resolutions CM/Res.1342 (LIV) and CM/Res.1375 (LVI) Rev.1 of the Organization of African Unity (OAU), inter alia, requested the Secretary-General, in consultation with the Organization of African Unity,

> "to take appropriate action to enable the Group of Experts designated by the United Nations in cooperation with the Organization of African Unity to meet during 1993 at Harare, in order to draw up a draft treaty or convention on the denuclearization of Africa, and to submit the report of the Group of Experts to the General Assembly at its forty-eighth session".

2. A meeting of experts, which was organized by the United Nations in cooperation with OAU, took place in Harare from 5 to 8 April 1993. Mrs. Thelma Awori, United Nations Resident Coordinator in Zimbabwe, presided over the Opening Meeting. His Excellency Ambassador Goche, Senior Deputy Secretary, Ministry of Foreign Affairs of Zimbabwe, delivered a keynote address on behalf of His Excellency Dr. Nathan Shamuyarira, Minister for Foreign Affairs of Zimbabwe. This was followed by statements by H.E. Ambassador Ibrahima Sy, Executive Secretary, OAU, New York, by H.E. Ambassador Oluyemi Adeniji, Chairman of the Group of Experts, and Mr. Sola Ogunbanwo, Senior Coordinator of the United Nations Disarmament Fellowship, Training and Advisory Services Programme.

3. The following experts designated by the United Nations, in cooperation with OAU, took part in the meeting: Ambassador Fathi Marei, Adviser on Disarmament Issues to the Egyptian Minister for Foreign Affairs; Ambassador Oluyemi Adeniji, Director-General of the Nigerian Ministry of Foreign Affairs; Mrs. Liberata Mulamula, Counsellor, Africa and Middle East Department in the Ministry of Foreign Affairs of the United Republic of Tanzania; Mr. Gift Punungwe, Director of the International Organizations Department in the Zimbabwean Ministry of Foreign Affairs; Mr. Cheickh Sylla, Technical Adviser, Cabinet Office, Ministry of Foreign Affairs of Senegal; the Hon. Mr. Louis Amedee Darga, Member of Parliament, Port Louis, Mauritius; Ambassador Ibrahima Sy, Executive Secretary of the OAU Office in New York; and Colonel Gustave Zoula, Chief of Section for Defence and Security of OAU in Addis Ababa.

4. Dr. Mohamed Elbaradei, Assistant Director-General, Division of External Relations, International Atomic Energy Agency (IAEA), Vienna, participated as an expert; and Ms. Bronte Moules, Alternate Representative on the Australian delegation to the Conference on Disarmament, Geneva, participated as an expert observer from a Party to the South Pacific Nuclear-Free-Zone Treaty (Treaty of Rarotonga).

5. Ambassador Jeremy B. Shearer, Deputy Director-General of the Multilateral Branch of the Department of Foreign Affairs of South Africa, Mr. Roger Jardine, Nuclear Scientist, African National Congress (ANC), Johannesburg, and Dr. Solly Skosana, Secretary for Environmental Affairs, Pan Africanist Congress of Azania (PAC), Johannesburg, attended the meeting as expert observers.

6. Representatives of the following countries attended the meeting as observers: Ethiopia, Kenya, Malawi, United Republic of Tanzania, Tunisia and Nigeria.

Election of officers

7. The meeting elected the following officers:

Chairman: Ambassador Oluyemi Adeniji
Vice-Chairman: Ambassador Dr. Fathi Marei
Rapporteur: Mr. Gift Punungwe
Chief Expert Advisers: Ambassador Ibrahima Sy
Mr. Sola Ogumbanwo

II. REPORT OF THE MEETING OF EXPERTS

8. After the election of Officers, the experts adopted the following agenda:

1. General comments on the two working papers listed below under paragraph 9 (a) and (b).

2. Preparation of a Draft Treaty or Convention on the Denuclearization of Africa:

(a) Preamble;

(b) Usage of terms;

(c) Application of the Treaty;

(d) Renunciation of nuclear explosive devices;

(e) Prohibition of testing of nuclear explosive devices;

(f) Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture;

(g) Prohibition of dumping of radioactive wastes;

(h) Peaceful nuclear activities;

(i) Verification of peaceful uses;

(j) Physical protection of nuclear materials and facilities;

(k) Prohibition of armed attack on nuclear installations;

(l) Mechanism for compliance;

(m) Reports and exchange of information;

(n) Amendments;

(o) Reservations;

(p) Duration and withdrawal;

(q) Signature, ratification and entry into force;

(r) Depository functions;

(s) Status of the annexes;

(t) IAEA safeguards;

(u) African Commission on Nuclear Energy;

(v) Complaints procedure;

(w) Protocol to be signed by the nuclear Powers not to attack States of the zone;

(x) Protocol to be signed by the nuclear Powers not to test or assist or encourage the testing of nuclear explosive devices anywhere within the African Nuclear-Weapon-Free Zone;

(y) Protocol to be signed by extra-zonal States internationally responsible for territories within the zone.

3. Other matters.

4. Consideration and adoption of the report.

5. Closure of the meeting.

9. The Meeting had before it the following working papers submitted by the Secretariat, in order to facilitate structured discussions during the Meeting:

(a) Current proposals and strategy for the preparation of a Treaty on the Denuclearization of Africa;

(b) Working text of an African Nuclear-Weapon-Free Zone Treaty.

10. The experts decided to postpone discussion of the preamble to the Treaty until after they had dealt with the rest of the Treaty, since consideration of the body of the Treaty would help focus the ideas that must go into the preamble.

11. With regard to the name to be given to the instrument for the establishment of a Nuclear-Weapon-Free Zone in Africa, the experts recommended that it be called a treaty rather than a convention, as this was in line with the name given to similar instruments in Latin America and the South Pacific. The experts were also of the opinion that the African zone should be called an African Nuclear-Weapon-Free Zone as this would clearly reflect, in addition to

its non-proliferation content, Africa's commitment to harness nuclear energy for developmental purposes. Noting the differences in title between the Latin American and South Pacific zones in this regard, the experts noted that practical effect could be given to Africa's wish to ban all nuclear explosive devices, whether for peaceful use or not, by stating this in the main body of the Treaty.

12. The experts were of the opinion that usage of such terms as "African Nuclear-Weapon-Free Zone", "territory", "nuclear explosive device", "stationing", "dumping" and "nuclear facilities" should be explained in the Treaty. It was recommended that a map of the zone of application of the Treaty would need to be drawn up by an experienced cartographer. In this connection the experts recalled OAU resolution CM/Res.676 (XXXI), as it relates to a definition of the continent of Africa. The experts were of the opinion that, except where otherwise specified, the Treaty and its Protocols should apply to territory within the African Nuclear-Weapon-Free Zone, which would mean internal waters, territorial sea and archipelagic waters, the seabed and subsoil beneath, the land territory and the airspace above them.

13. As regards renunciation of nuclear devices, it was proposed that the obligation should be more explicit and should include research, development, manufacture, stockpiling, acquisition, possession and control of nuclear explosive devices. It was also considered that the term "nuclear explosive device" was wider than "nuclear weapon" and that for the purposes of the Treaty, it would be more appropriate. In this regard it was agreed that the basic obligations of States Parties should include undertakings not to engage in the activities enumerated above, not to seek or receive assistance to engage in those activities, not to assist in or encourage those activities, not to test any nuclear explosive device, to prohibit in their territories the testing of nuclear explosive devices, not to assist or encourage the testing of nuclear explosive devices by any State anywhere, and to prohibit the stationing of nuclear explosive devices in their territories.

14. For any State with nuclear weapon capability, and in possession of nuclear explosive devices already developed before the coming into effect of this Treaty, the experts recommended provisions whereby such a State would declare the existence of such facilities and nuclear explosive devices and either put into place a procedure for the dismantling and destruction of such facilities and devices, or the conversion of the facilities to peaceful uses, or certify that such steps have already been taken. In either case, these measures would have to be verified by IAEA.

15. The experts were also of the opinion that the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa adequately covered, in its relevant aspects, the problems of the dumping of radioactive wastes. In this connection they suggested that Parties to the African Nuclear-Weapon-Free Zone Treaty, who are not Parties to the Bamako Convention and therefore are not bound by it, should nevertheless undertake to support effective implementation of and apply measures equivalent to those contained in the Bamako Convention with regard to the prohibition of the dumping of radioactive waste. The issue was raised of the obligation that a State may have to take back spent fuel or waste products

resulting from an initial export by it of the original material. These and other issues connected with the Bamako Convention need to be further studied.

16. Turning to the question of peaceful nuclear activities, experts emphasized that the Treaty should strike a balance between the requirements of non-proliferation and the need to promote cooperation in the peaceful uses of nuclear energy in Africa. To that end they agreed that nothing in the Treaty should be interpreted to obstruct access to the use of nuclear technology for peaceful purposes, while at the same time emphasizing that all activities for the peaceful use of nuclear energy should be conducted under strict non-proliferation measures in order to provide assurance of exclusively peaceful uses. While recommending that comprehensive safeguards agreements should be entered into between the parties and IAEA and that it may be necessary to ensure transparency by operating regional facilities especially for sensitive parts of the fuel cycle, the experts nevertheless emphasized that Africa should not bar itself from access to technology that can prove vital in future, and that non-proliferation requirements should be assured in a positive manner, through transparency, rather than negatively, through the renunciation of certain processes such as reprocessing and enrichment by the African States.

17. The experts considered the question of the physical protection of nuclear materials and facilities and proposed that, for the purposes of the Treaty, nuclear installations should include nuclear power and research reactors, fuel fabrication, uranium enrichment, isotopes separation and reprocessing facilities, as well as any other installations with fresh or irradiated nuclear fuel and materials in any form and establishments storing significant quantities of radioactive materials. They stressed that, in order to prevent theft or other unauthorized use and handling, States Parties needed to undertake to apply measures of physical protection that provide protection equivalent to that provided for in the Convention and the Guidelines on The Physical Protection of Nuclear Materials, developed by the International Atomic Energy Agency. The experts discussed at length prohibition of armed attacks on nuclear installations and agreed that such attacks were not permissible in any circumstances. They proposed that Parties to the Treaty should undertake not to take, assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African Nuclear-Weapon-Free Zone.

18. The experts were of the view that any amendments to the Treaty proposed by a Party should be decided upon by a two-thirds majority of the Parties to the Treaty and that an amendment so adopted should enter into force for all the Parties upon the receipt by the Depository of the twenty-seventh instrument of ratification.

19. The experts were of the opinion that there should be no provision for reservations to the Treaty. It was also agreed that the Treaty should be of unlimited duration and that withdrawal should only take place after a notice of withdrawal of 12 months.

20. With regard to signature, ratification and entry into force of the Treaty, the experts were of the opinion that, while it would be preferable for the Treaty to enter into force as soon as possible, it was also necessary, for its effectiveness, that it enter into force for as many countries as possible. To

this end they recommended that the Treaty should enter into force on the date of deposit of the twenty-seventh instrument of ratification (a majority of African States) and that, for those States that ratify the Treaty after this, the Treaty would enter into force for each State on the date of deposit of its instrument of ratification.

21. With regard to IAEA safeguards, the experts noted that it was a treaty requirement of the NPT that Parties conclude safeguards agreements with IAEA within 18 months of joining the Treaty. They proposed that Parties to the African Nuclear-Weapon-Free Zone Treaty who do not have an NPT type agreement in force should also enter into a safeguards agreement with IAEA within 18 months of the date of entry into force of the African Treaty or of the date of entry into force of the Treaty for that Party. For purposes of IAEA safeguards, it was recommended that each Party should transmit to the Commission, for its information, a copy of the overall conclusions of the most recent report by IAEA on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any subsequent findings of IAEA in relation to those conclusions. It was also suggested that, for purposes of ensuring confidentiality, the information furnished by the contracting Parties should not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when contracting Parties give their express consent.

22. With regard to the mechanism for compliance with Treaty obligations, the experts were of the opinion that such a mechanism should present a balance between the prohibitive and promotional aspects of the Treaty. To that end, they urged the establishment of an African Commission on Nuclear Energy (AFCONE) which would have responsibility for collating information about the nuclear activities of States, bringing into effect the complaints procedure of the Treaty in case of violation of Treaty obligations, [reviewing the application of IAEA safeguards to peaceful nuclear activities in the African nuclear weapon free zone], requesting an extraordinary inspection by IAEA, encouraging regional cooperation in the peaceful uses of nuclear energy, and promoting international cooperation with extra-zonal States for peaceful uses of nuclear energy. It was suggested that such a commission be composed of 12 members elected by the Parties to the Treaty, bearing in mind their expertise and interest in the subject-matter of the Treaty, equitable geographical distribution, as well as the need to include members from countries with substantial nuclear programmes. It was emphasized that the Commission was to deal with technical subjects where detailed technical knowledge was necessary. The experts further proposed that the costs of the Commission should be borne by Parties to the Treaty in accordance with the OAU scale of assessment, though the Commission would also be allowed to seek special funding when necessary. Should any country become a party to the Treaty before being a member of OAU, they would be assessed in accordance with what they would have paid had they been a member.

23. The experts recommended a complaints procedure which ranged from bilateral consultations and arrangements between parties, intervention by the Commission, and requests by the Commission to IAEA to undertake extraordinary inspections. In the event the Commission decides the Party complained of is in breach of its obligations, it would meet and decide upon the course of action to take.

24. The experts recommended that there be three Protocols to the Treaty. The first would be addressed to the nuclear-weapon States and would have them undertake not to use or threaten to use under any circumstances nuclear weapons against Parties to the Treaty or against any territory within the African Nuclear-Weapon-Free Zone, and not to contribute to any act of a Party to the Treaty which constitutes a violation of the Treaty, or any act of another Party to a Protocol which constitutes a violation of the Protocol. The second Protocol, also addressed to the nuclear-weapon States, would have those Powers undertake not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African Nuclear-Weapon-Free Zone. The third Protocol, addressed to extra-zonal States responsible for territories situated within the African Nuclear-Weapon-Free Zone, shall have those countries undertake to apply in respect of such territories the obligations contained in the African Nuclear-Weapon-Free Zone Treaty as they relate to research, development, manufacture, stockpiling, acquisition, possession, stationing and testing of any nuclear explosive devices, as well as to the dumping of radioactive waste, ensuring physical protection and prohibition of armed attacks on nuclear installations within those territories, and the application of safeguards.

25. A draft text of a treaty along these lines, which was considered by the experts, is attached.

26. While substantive progress had been made during this Meeting, the experts wished to emphasize that, owing to a lack of time, they had been unable to complete consideration of the Proposals and the Working Text listed above under paragraph 9 (a) and (b). The experts therefore agreed to request the Secretary-General of the United Nations, in consultation with OAU, to convene a further meeting of the Group of Experts, in order to enable the Group to finalize the drafting of a Treaty on a Nuclear-Weapon-Free Zone in Africa.

27. In concluding their work at this Harare Meeting, the Group of Experts would like to express their appreciation to the United Nations Secretary-General for the diligence with which the United Nations rendered effective technical support and financial assistance for the work of the Group.

APPENDIX

United Nations/Organization of African Unity Group of Experts: Harare draft text of an African Nuclear-Weapon-Free Zone Treaty

Article 1. Usage of terms

For the purposes of this Treaty and its Protocols:

(a) "African Nuclear-Weapon-Free Zone" means the continent of Africa and the adjoining islands as described in annex 1, and as illustrated by the map attached to that annex;

(b) "Territory" means internal waters, territorial sea, and archipelagic waters, the seabed and sub-soil beneath, the land territory and the airspace above them;

(c) "Nuclear explosive device" means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) "Stationing" means implantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment;

(e) "Dumping" means disposing of, unloading, depositing (i.e. its normal usage);

(f) "Nuclear installations" include nuclear power and research reactors, fuel fabrication, uranium enrichment, isotopes separation and reprocessing facilities as well as any other installations with fresh or irradiated nuclear fuel and materials in any form and establishments storing significant quantities of radioactive materials.

Article 2. Application of the Treaty

Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African Nuclear-Weapon-Free Zone.

Article 3. Renunciation of nuclear explosive devices

Each Party undertakes:

(a) Not to undertake research, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in the research, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;

(c) Not to take any action to assist or encourage the research, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device by any State;

(d) To prohibit, in its territory, the stationing of any nuclear explosive device.

Article 4. Prohibition of testing of nuclear explosive devices

Each Party undertakes:

(a) Not to test any nuclear explosive device;

(b) To prohibit in its territory the testing of nuclear explosive devices;

(c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 5. Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture

Each Party undertakes:

(a) To declare any capability for the manufacture of nuclear explosive devices;

(b) To dismantle and destroy any nuclear explosive device that it has manufactured prior to the coming into force of this Treaty;

(c) To destroy facilities for the manufacture of nuclear explosive devices, or, where possible, to convert to peaceful uses;

(d) To permit international inspectors to ascertain the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 6. Prohibition of dumping of radioactive wastes

Each Party undertakes:

(a) To support effective implementation of and apply measures equivalent to those contained in the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;

(b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African Nuclear-Weapon-Free Zone.

Article 7. Peaceful nuclear activities

1. Nothing in this Treaty shall be interpreted to prevent the use of nuclear energy for peaceful purposes.

2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and jointly the use of nuclear energy for economic and social development (purposes). To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.

3. Parties undertake to make full use of the programme of assistance available in the IAEA and, in this connection, to strengthen AFRA.

Article 8. Verification of peaceful uses

Each Party undertakes:

(a) That all activities for the peaceful use of nuclear energy shall be conducted under strict non-proliferation measures to provide assurance of exclusively peaceful uses;

(b) To conclude a comprehensive safeguards agreement with the IAEA;

(c) Not to provide sources or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:

(i) Any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with the International Atomic Energy Agency;

(ii) Any nuclear-weapon State unless subject to applicable safeguards agreements concluded with the International Atomic Energy Agency.

Article 9. Physical protection of nuclear materials and facilities

Each Party undertakes:

(a) To maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling;

(b) To apply measures of physical protection that provide protection equivalent to that provided for in the Convention on Physical Protection of

Materials and International Transfer Guidelines on protection of materials developed by the International Atomic Energy Agency for that purpose.

Article 10. Prohibition of armed attack on nuclear installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African Nuclear-Weapon-Free Zone.

Article 11. Mechanism for compliance

1. For the purposes of ensuring compliance with their undertakings with respect to both the activities prohibited in the interest of non-proliferation and those permissible for the promotion of peaceful uses of nuclear energy, the Parties agree to establish the African Commission on Nuclear Energy (hereafter referred to as the Commission).

2. The Commission shall be responsible for:

(a) Collating the reports and the exchange of information as provided for in Article 12;

(b) Arranging consultations as provided for in Article 13;

(c) Reviewing the application to peaceful nuclear activities of safeguards by the IAEA as elaborated in annex 2;

(d) Bringing into effect the complaints procedure elaborated in annex 4;

(e) Encouraging regional programmes for cooperation in the peaceful uses of nuclear energy; and

(f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear energy.

3. The Commission shall meet once a year, and may meet in extraordinary session as may be required by the complaints procedure in annex 4.

Article 12. Report and exchanges of information

1. Each Party shall submit an annual report to the Commission on all its nuclear activities.

2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.

3. The Commission shall receive an annual report from the Secretariat of the [African Regional Cooperation Agreement] on the activities of AFRA.

Article 13. Amendments

1. Any amendment to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.

2. A conference of Parties shall be convened to consider such amendment.

3. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties.

4. An amendment so adopted shall enter into force after receipt by the depositary of the twenty-seventh instrument of ratification.

Article 14. Reservations

This Treaty shall not be subject to reservations.

Article 15. Duration and withdrawal

1. This Treaty shall be of unlimited duration and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.

2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interests, twelve months in advance to the Depositary. The Depositary shall circulate such notice to all other Parties.

Article 16. Signature, ratification and entry into force

1. This Treaty shall be open for signature by any State in the African Nuclear-Weapon-Free Zone. The Treaty shall be subject to ratification.

2. This Treaty shall enter into force on the date of deposit of the twenty-seventh instrument of ratification.

3. For a signatory which ratifies this Treaty after the date of the deposit of the twenty-seventh instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

4. This Treaty and the instruments of ratification shall be deposited with the Secretary-General of the Organization of African Unity, who is hereby designated as depositary of the Treaty.

Article 17. Depositary functions

The depositary of this Treaty shall:

(a) Register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations;

(b) Transmit certified copies of the Treaty and its Protocols to all States in the African Nuclear-Weapon-Free Zone and to all States eligible to become a Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its Protocols.

Article 18. Status of the annexes

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

IN WITNESS WHEREOF the undersigned being duly authorized by their Governments have signed this Treaty.

DONE AT _____

Annex 1. African Nuclear-Weapon-Free Zone

(Description of geographical parameters)

[Attachment to annex 1 to the African Nuclear-Weapon-Free Zone Treaty - illustrated map].*

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* The illustrated map, which would be an attachment to annex 1 to the African Nuclear-Weapon-Free Zone Treaty, is to be discussed at a subsequent meeting and is not available at this time.

Annex 2. IAEA safeguards

1. The safeguards referred to in Article 11 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the International Atomic Energy Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The Agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall transmit to the Commission, for its information, a copy of the overall conclusions of the most recent report by the IAEA on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any subsequent findings of the IAEA in relation to those conclusions. The information furnished by the contracting Parties shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when the contracting Parties give their express consent.

Annex 3. African Commission on Nuclear Energy

1. There is hereby established an African Commission on Nuclear Energy which shall meet from time to time pursuant to Articles 7, 8, 11 and 13 and annex 4.

2. The Commission shall be composed of twelve members elected by Parties to the Treaty, bearing in mind their expertise and interest in the subject-matter of the Treaty, equitable geographical distribution, as well as the need to include countries with advanced nuclear programmes.

3. Members of the Commission shall be elected for a three-year period. A quorum shall be constituted by representatives of two thirds of the members of the Commission. Decisions of the Commission shall be taken by a two-thirds majority of those present and voting. The Commission shall adopt such other rules of procedure as it sees fit.

4. (a) The costs of the Commission, including the costs of extraordinary inspections, pursuant to annex 4 to this Treaty, shall be borne by the Parties to the Treaty in accordance with the OAU scale of assessment.

(b) The Commission may also seek special funding should this be required.

Annex 4. Complaints procedure

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.

2. If the matter is not so resolved, the complainant Party may bring the complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission decides that there is sufficient substance in the complaint to warrant an extraordinary inspection in the territory of that Party or elsewhere, the Commission shall request the IAEA to conduct such inspection as soon as possible. The Commission may request that its representatives accompany the inspection team.

(a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements.

(b) If the Party complained of so requests, IAEA shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions.

(c) Each Party shall give the IAEA and/or Regional inspectors full and free access to all information and places within each territory which may be deemed relevant by the inspectors to the implementation of the extraordinary inspection.

(d) The Party complained of shall take all appropriate steps to facilitate the work of IAEA and/or Regional inspectors, and shall accord to the inspectors the same privileges and immunities as those set forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

(e) The International Atomic Energy Agency and/or Regional inspectors shall report in writing as quickly as possible to the Commission, outlining their activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating their conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.

(f) If the Commission has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant

or complained of Party, the Commission shall meet promptly to discuss the matter.

(g) The costs of such inspections shall be borne by the Commission.

5. Extraordinary inspections will not prejudice the rights and the power of the International Atomic Energy Agency to carry out special inspections in accordance with the agreements referred to in paragraph 1 of annex 2 to this Treaty.

Protocol 1

The Parties to this Protocol

NOTING the African Nuclear-Weapon-Free Zone Treaty (the Treaty)

HAVE AGREED as follows:

Article 1

Each Party undertakes not to use or threaten to use under any circumstances a nuclear explosive device against:

(a) Parties to the Treaty; or

(b) Any territory within the African Nuclear-Weapon-Free Zone as defined in annex 1 of the Treaty.

Article 2

Each Party undertakes not to contribute to any act of a Party to the Treaty which constitutes a violation of the Treaty, or any act of another Party to a Protocol which constitutes a violation of the Protocol.

Article 3

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 13 of the Treaty.

Article 4

This Protocol shall be open for signature by [the French Republic, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America].

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have

jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Protocol.

DONE at _____

Protocol 2

The Parties to this Protocol

NOTING the African Nuclear-Weapon-Free Zone Treaty (the Treaty)

HAVE AGREED as follows:

Article 1

Each Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African Nuclear-Weapon-Free Zone.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by entry into force of an amendment to the Treaty pursuant to Article 13 of the Treaty.

Article 3

The Protocol shall be open for signature by [the French Republic, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America].

Article 4

This Protocol shall be subject to ratification.

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Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Protocol.

DONE at _____

Protocol 3

The Parties to this Protocol

NOTING the African Nuclear-Weapon-Free Zone Treaty (the Treaty)

HAVE AGREED as follows:

Article 1

Each Party undertakes to apply, in respect of the territories for which it is internationally responsible situated within the African Nuclear-Weapon-Free Zone, the prohibitions contained in Articles 3, 5, 6, 7, 8 and 9 of the Treaty, in so far as they relate to research, development, manufacture, stockpiling, stationing and testing of any nuclear explosive devices, as well as to the dumping of nuclear waste, ensuring physical protection and prohibition of armed attacks on nuclear installations within those territories, and the safeguards specified in Article 11 (2) (c) and annex 2 of the Treaty.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 13 of the Treaty.

Article 3

This Protocol shall be open for signature by [ ].

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Protocol.

DONE at _____

UNITED
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General Assembly

Distr.
GENERAL

A/48/372
30 September 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 85

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 47/69 D of 14 December 1992.

2. The report includes the substance of responses from Member States and United Nations agencies to the appeal contained in General Assembly resolution 47/69 D, together with reference to further action taken by Member States and United Nations agencies in response to the appeal contained in Assembly resolutions 32/90 F of 13 December 1977, 33/112 C of 18 December 1978, 34/52 C of 23 November 1979, 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983, 39/99 D of 14 December 1984, 40/165 D of 16 December 1985, 41/69 D of 3 December 1986, 42/69 D of 2 December 1987, 43/57 D of 6 December 1988, 44/47 D of 8 December 1989, 45/73 D of 11 December 1990 and 46/46 D of 9 December 1991. By these resolutions the Assembly appealed to all States, specialized agencies and non-governmental organizations to augment special allocations for grants and scholarships to Palestine refugees; invited the relevant United Nations agencies to continue, within their respective spheres of competence to extend assistance for higher education to Palestine refugee students; and requested the United Nations Relief and Works Agency for Palestine Refugees in the near East (UNRWA) to act as the recipient and trustee for such special allocations and scholarships and to award them to qualified refugee candidates.

3. In 1992-1993, the Government of Japan offered 23 fellowships, through UNRWA, to Palestine refugees who are employed at UNRWA as vocational training staff at UNRWA headquarters branch at Amman and at the eight vocational training centres in UNRWA's area of operations. Applications of nominees for these fellowships are currently being processed by the Japan International Cooperation Agency (JICA). The fellowships, which apply to studies in Japan, are under the

guidance of JICA. A review of this programme shows that, since its inception in 1985 and until 1993, a total of 115 fellowships has been provided by the Government of Japan under the programme. In 1989, the Government of Japan contributed $1 million to be spent over a five-year period towards the UNRWA university scholarship programme for secondary school graduates. The recipients are Palestine refugee students from the occupied territory. A total of 135 recipients participated in the programme in 1992-1993. In addition, in 1992 the Government of Japan contributed $400,000 to be spent over a five-year period, towards the UNRWA university scholarships programme for secondary school graduates from UNRWA's area of operations; the recipients are Palestine refugee students. A total of 68 recipients participated in the programme in 1992-1993. These awards, while not specifically in response to the relevant General Assembly resolutions, are in keeping with their spirit.

4. The Government of Switzerland contributed $180,000 in 1989 to the UNRWA university scholarship programme for secondary school graduates, and contributed an additional $213,000, $197,300 and $197,300 to the programme in 1990, 1991 and 1992, respectively. The recipients, a total of 169 Palestine refugee students, participated in the programme in the 1992-1993 academic year. The awards, while not specifically in response to General Assembly resolutions, are in keeping with their spirit.

5. The Government of the Islamic Republic of Iran offered 30 university scholarships in 1992 for secondary school graduates for study at Iranian universities. A total of 29 applications from Palestine refugee students from the Agency's area of operations were referred to the relevant Iranian authorities for their review and consideration. The awards, while not specifically in response to the relevant General Assembly resolutions, are in keeping with their spirit.

6. The Government of the Netherlands contributed in 1992 an amount of $426,533 to cover the university tuition fees of Palestinian students studying in Egyptian universities. This amount was channelled through UNRWA, which made the payments in cooperation with the League of Arab States. A total of 119 Palestinian students benefited from this contribution.

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO), as part of its long-standing agreement with UNRWA, granted 172 fellowships to Palestine refugee education staff of UNRWA in the period 1981 to 1983. The Director-General addressed a circular letter on 22 January 1993, to Member States, international organizations and Arab and Islamic funding sources appealing for voluntary contributions in order to make good the deficit of the operating budget of Palestinian universities caused by the protracted closure of these institutions and by the current situation. This appeal was in accordance with decision 4.3.1 adopted by the UNESCO Executive Board at its 139th session. Between 1986 and 1991, the Director-General had issued several appeals for contributions to the Special Fund established by UNESCO to provide fellowships to students from the occupied Palestinian territories. Contributions received until 1991 totalled $363,000 from which more than 70 fellowships have been granted, including 20 fellowships for the 1992-1993 academic year. No further contributions have been received since 1991. During the 1992-1993 academic year, UNESCO awarded 13 scholarships to Palestinian students from its regular programme and budget, and four scholarships under its

Participation Programme. Furthermore, in September 1992, UNESCO signed a cooperative agreement with an inter-university cooperation programme called PEACE (Palestinian European Academic Cooperation in Education). Under this agreement, to which UNESCO has contributed $16,000 through UNITWIN (University Twinning), six Palestinian universities will be linked to 12 European universities, to undertake activities including staff exchanges and the granting of fellowships.

8. The World Health Organization (WHO) continued to offer a post-graduate training fellowship programme aimed at developing the technical and managerial skills of the staff of the Department of Health of UNRWA and at meeting future replacement needs under the various health disciplines. Four Palestinian refugee health staff of UNRWA benefited from these WHO international fellowships in 1992. WHO has awarded more than 35 such fellowships since 1986.

9. Following a request received from the Al-Quds Open University at Amman in mid-1992, the Food and Agriculture Organization of the United Nations (FAO) plans to assess the dairy training facilities of the University. A FAO mission is scheduled to undertake this task towards the end of 1993 in the context of a review of dairy training facilities in the Near East, and the possible activation of the Regional Dairy Training Centre in Alexandria, Egypt, which was installed under the FAO/DANIDA Programme.

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/48/373
30 September 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 85

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Palestine refugees in the Palestinian territory occupied by Israel since 1967

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 47/69 E of 14 December 1992, the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Strongly reiterates its demand that Israel desist from the removal and resettlement of Palestine refugees in the Palestinian territory occupied by Israel since 1967 and from the destruction of their shelters;

"2. Requests the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to address the acute situation of the Palestine refugees in the Palestinian territory occupied by Israel since 1967 and accordingly to extend all the services of the Agency to those refugees;

"3. Requests the Secretary-General, in cooperation with the Commissioner-General, to resume issuing identification cards to all Palestine refugees and their descendants in the occupied Palestinian territory, irrespective of whether or not they are recipients of rations and services of the Agency;

"4. Also requests the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly, before the opening of its forty-eighth session, on the implementation of the present resolution and, in particular, on the compliance of Israel with paragraph 1 above."

2. On 18 February 1993, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 15 June 1993, the Permanent Representative of Israel replied as follows:

> "Israel's position on this resolution has been set forth in successive annual replies submitted to the Secretary-General in recent years. The report of the Secretary-General (A/47/489) contained the latest of these replies. In addition, Israel's representative to the Special Political Committee reiterated Israel's position during his statement dated 27 October 1989 (A/SPC/44/SR.8).
>
> "This resolution is unbalanced and distorted in that its sponsors intentionally ignore the improved living conditions in the Gaza district since 1967. Nothing can be more indicative of this approach than this resolution's condemnation of refugee rehabilitation projects. Since 1967, Israel has initiated community development projects in the Gaza district enabling some 20,000 families, approximately 150,000 people, to leave the refugee camps on a voluntary basis and relocate to nearby residential areas. Israel's vital role in planning and implementing these housing projects has been recognized by both the Secretary-General and the High Commissioner of UNRWA in their respective reports (A/40/613 and A/40/13). 1/
>
> "Israel continues to do as much as it can to improve further the welfare and standard of living of Palestinians in the territories. In a letter dated 11 March 1993 addressed to the Secretary-General, the Permanent Representative of Israel outlined the steps recently taken by Israel in this regard (A/48/112).
>
> "Furthermore, the resolution's request of the Secretary-General to resume issuing identity cards irrespective of the refugees' need for them is yet another indication of the resolution's patent political bias.
>
> "Notwithstanding subversive efforts to the contrary, Israel is determined to pursue the humanitarian task of improving the living conditions of the refugees through projects such as the refugee housing programmes. Israel will welcome all assistance on behalf of the international community intended to improve the refugees' living conditions."

4. The following information concerning Israel's compliance with General Assembly resolution 47/69 E is based on reports from the Commissioner-General of UNRWA.

5. During the period under review, the Israeli authorities have continued to demolish and seal refugee shelters in the Gaza Strip and the West Bank on punitive grounds. The matter is dealt with in detail in the Commissioner-General's annual report to the General Assembly. 2/

6. The Agency is following up with the Israeli authorities the rehousing of refugees who remain affected by the demolitions in 1971 in the Gaza Strip. Paragraph 6 of last year's report of the Secretary-General on this subject (A/47/489) referred to the status of 87 families categorized as living in hardship conditions. The situation on 30 June 1993 remains virtually the same: of these 87 families, 12 continue to live in conditions of hardship, 19 remain unsatisfactorily housed, 38 are satisfactorily housed, and 18 had previously purchased houses in projects sponsored by the Israeli authorities. The situation of the 12 families living in conditions of hardship has been checked several times during the reporting period. Despite repeated assurances by the Israeli authorities that they would be rehoused and that a solution had been developed and would be implemented as soon as possible, no progress has been made.

7. During the reporting period, the Commissioner-General obtained the following information relating to refugee shelters demolished by the Israeli authorities in the Gaza Strip on the grounds that they had been built without proper authority on State land outside camp boundaries:

(a) There has been no change in the situation of the families living on the northern perimeter of Jabalia Camp who, as described in paragraph 7 (a) of last year's report, had been told by the Israeli authorities in 1989 to remove some of their shelter extensions. No demolitions have taken place so far, but the shelters remain isolated by the bulldozing of sand around them;

(b) Of the 35 families whose shelters on the perimeter of Beach Camp were demolished in 1983, 18 families now have plots of land at Sheikh Radwan and Beit Lahiya Housing Projects; one family is occupying a vacant shelter in Beach camp and the situation of the remaining 16 families remains the same as was described in paragraph 7 (b) of last year's report (A/47/489).

8. The following change has occurred regarding the situation of the families who, at the instance of the Israeli authorities, had agreed to relocate from Block Q of Rafah Camp to the Tel-es-Sultan housing project. Of the families who remained in the 12 shelters, two families have moved to Tel-es-Sultan Housing Project in Rafah, leaving the remaining families living in 10 shelters isolated by sand ramparts.

9. During the reporting period, no new plots of land in housing projects in the Gaza Strip were allocated by the Israeli authorities for refugees living in camps. No new movements took place from camps to housing projects and no new plots were allocated. Thirty families, comprising 150 persons from Canada camp in Egypt, have returned to the Gaza Strip to accommodation provided by the Israeli authorities in Tel-es-Sultan.

10. The Israeli authorities, according to information available to the Commissioner-General, have to date allocated approximately 3,914 plots of land in the Gaza Strip for housing projects. A total of 2,605 plots have been built on by 3,714 refugee families comprising 22,946 persons; buildings on 236 plots are under construction, 936 plots are still vacant and 137 have been built on by non-refugee families. In addition, 3,034 refugee families, consisting of 18,823 persons, have moved into 2,666 completed housing units consisting of 5,893 rooms.

11. Refugee families are continuing to purchase plots of land at subsidized rates for the construction of houses in the projects developed by the Israeli authorities in the Beit Lahiya, Nazleh and Tel-es-Sultan areas. The construction of multi-storey apartment blocks in Sheikh Radwan, sponsored by the Israeli authorities and offered for sale upon completion, as reported last year (A/47/489, para. 11), continues, but the process has slowed down considerably owing to the prevailing situation.

12. With regard to the request addressed to the Commissioner-General in paragraph 2 of resolution 47/69 E, the Commissioner-General advises that since 1988, in addition to providing all its regular services, the Agency has been providing emergency food, medical and other assistance to those in need in the occupied territory. The Agency has also begun a longer-term programme to upgrade infrastructure, especially in the camps, and to improve economic and social conditions. These programmes are discussed in detail in the recent reports of the Commissioner-General. 3/

13. The Secretary-General regrets that he is unable at present to comply with the request addressed to him in paragraph 3 of General Assembly resolution 47/69 E. Under an arrangement that has been followed for 40 years, all refugee families registered with UNRWA are in possession of registration cards issued by the Agency. While these cards indicate the number of family members and whether they are eligible for services, they are not identification cards and have a much more limited purpose. The Commissioner-General of UNRWA has pointed out that the Agency issues a registration card reflecting data about the refugee family concerned, which is entered on the registration roll at the time of registration. While the need for documentation, such as is required in the resolution, is appreciated, the Commissioner-General does not have the means to issue identity cards as such. He will, however, keep the situation under review to see whether appropriate documentation regarding the registration status of individual members of refugee families could be issued.

Notes

1/ *Official Records of the General Assembly, Fortieth session, Supplement No. 13* (A/40/13).

2/ *Official Records of the General Assembly, Forty-eighth session, Supplement No. 13* (A/48/13), chap. IV, sect. B.

3/ *Official Records of the General Assembly, Forty-third session, Supplement No. 13* (A/43/13), chap. II, sect. B; ibid., *Forty-fourth session, Supplement No. 13* (A/44/13), chap. VI, sects. C and D; ibid., *Forty-fifth session, Supplement No. 13* (A/45/13), chap. VI, sects. C and D; ibid., *Forty-sixth session, Supplement No. 13* (A/46/13), chap. VI, sects. C and D; ibid., *Forty-seventh session, Supplement No. 13* (A/47/13), chap. VI, sects. C and D; ibid., *Forty-eighth session, Supplement No. 13* (A/48/13), chap. II, sects. D and E.

UNITED
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General Assembly

Distr.
GENERAL

A/48/374
30 September 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 85

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Resumption of the ration distribution to Palestine refugees

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 47/69 F of 14 December 1992, in which the Assembly expressed regret that its resolutions 37/120 F of 16 December 1982, 38/83 F of 15 December 1983, 39/99 F of 14 December 1984, 40/165 F of 16 December 1985, 41/69 F of 3 December 1986, 42/69 F of 2 December 1987, 43/57 F of 6 December 1988, 44/47 F of 8 December 1989, 45/73 F of 11 December 1990 and 46/46 F of 9 December 1991 have not been implemented; called once again upon all Governments, as a matter of urgency, to make the most generous efforts possible and to offer the necessary resources to meet the needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), particularly in the light of the interruption by the Agency of the general ration distribution to Palestine refugees in all fields, and therefore urged non-contributing Governments to contribute regularly and contributing Governments to consider increasing their regular contributions; requested the Commissioner-General of UNRWA to resume on a continuing basis the interrupted general ration distribution to Palestine refugees in all fields; and requested the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly at its forty-eighth session on the implementation of the resolution.

2. The Agency has continued to provide food assistance to the most needy sector of the refugee population, the special hardship cases, who numbered 179,397 persons in December 1992.

3. The Agency is also continuing its emergency distributions of basic commodities, such as flour, rice, sugar, animal protein and skim milk to those in need, including non-registered Palestinians in the occupied territory and Lebanon. In 1992, 15,036 tons of these commodities were distributed in the Gaza Strip; 7,970 tons in the West Bank; and 3,208 tons in Lebanon.

4. Given the lack of additional resources, it has not been possible for the Commissioner-General to consider resumption of a general distribution of basic food rations to all refugees.

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General Assembly

Distr.
GENERAL

A/48/375
30 September 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 85

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Return of population and refugees displaced since 1967

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of paragraph 5 of its resolution 47/69 G of 14 December 1992, entitled "Return of population and refugees displaced since 1967", the operative paragraphs of which read as follows:

> "The General Assembly,
>
> "...
>
> "1. Reaffirms the inalienable right of all displaced inhabitants to return to their homes or former places of residence in the territories occupied by Israel since 1967, and declares once more that any attempt to restrict, or to attach conditions to, the free exercise of the right to return by any displaced person is inconsistent with that inalienable right and is inadmissible;
>
> "2. Considers any and all agreements embodying any restriction on, or condition for, the return of the displaced inhabitants as null and void;
>
> "3. Strongly deplores the continued refusal of the Israeli authorities to take steps for the return of the displaced inhabitants;
>
> "4. Calls once more upon Israel:
>
> "(a) To take immediate steps for the return of all displaced inhabitants;
>
> "(b) To desist from all measures that obstruct the return of the displaced inhabitants, including measures affecting the physical and demographic structure of the occupied territories;

"5. Requests the Secretary-General, after consulting with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report to the General Assembly, before the opening of its forty-eighth session, on the compliance of Israel with paragraph 4 above."

2. On 18 February 1993, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the General Assembly resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged to take in implementation of the relevant provisions of the Assembly resolution.

3. In a note verbale dated 15 June 1993, the Permanent Representative of Israel replied as follows:

"Israel's position on this resolution has been detailed fully in successive annual replies submitted to the Secretary-General in recent years. The report of the Secretary-General (A/47/491) contained the latest of these replies.

"The Government of Israel has continued to make every effort possible to review individual cases of resettlement based upon the merits of each case. As a result, the number of persons that have returned to the administered territories is 94,439. This figure does not include those who returned to Judea and Samaria in 1968 or to the Gaza District in 1967-1968, for which figures are unavailable. However, it is well known that a large number of people returned to the areas during that period."

4. In connection with paragraph 4 (a) of General Assembly resolution 47/69 G, the Secretary-General has obtained from the Commissioner-General of UNRWA the information available to him on the return of refugees registered with the Agency. As indicated in previous reports on the subject, the Agency is not involved in any arrangements for the return of refugees nor is it involved in any arrangements for the return of displaced persons who are not registered as refugees. Its information is based on requests by returning registered refugees for transfer of their entitlements for services to the areas to which they have returned and subsequent correction of records. The Agency would not necessarily be aware of the return of any registered refugees who did not request the provision of services. So far as is known to the Agency, between 1 July 1992 and 30 June 1993, 275 refugees registered with UNRWA returned to the West Bank and 65 to the Gaza Strip. It should be noted that some of these may not themselves have been displaced in 1967, but may be members of the family of a displaced registered refugee whom they accompanied on his return or joined thereafter. Thus, taking into account the estimate given in paragraph 4 of last year's report (A/47/491), the number of displaced registered refugees who are known by the Agency to have returned to the occupied territories since June 1967 is about 12,740. The Agency is unable to estimate the total number of displaced inhabitants who have returned. It keeps records only of registered refugees and, as pointed out above, even those records, particularly with respect to location of registered refugees, may be incomplete.

UNITED
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General Assembly

Distr.
GENERAL

A/48/376
30 September 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 85

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Protection of Palestine refugees

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 47/69 I of 14 December 1992, entitled "Protection of Palestine refugees", the operative paragraphs of which reads as follows:

> "The General Assembly,
>
> "...
>
> "1. Holds Israel responsible for the security of the Palestine refugees in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and calls upon it to fulfil its obligations as the occupying Power in this regard, in accordance with the pertinent provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;
>
> "2. Calls upon all the High Contracting Parties to the Convention to take appropriate measures to ensure respect by Israel, the occupying Power, for the Convention in all circumstances, in conformity with their obligation under article 1 thereof;
>
> "3. Strongly urges the Security Council to consider the current situation in the occupied Palestinian territory, taking into account the recommendations contained in the reports of the Secretary-General dated 21 January 1988, 1/ 31 October 1990, 2/ and 9 April 1991; 3/
>
> "4. Urges the Secretary-General and the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue their efforts in support of the upholding of the safety and security and the legal and human rights of the Palestine refugees in all the territories under Israeli occupation since 1967;

"5. Calls once again upon Israel to desist forthwith from acts of aggression against the Lebanese and Palestinian population in Lebanon, in violation of the Charter of the United Nations and the norms of international law;

"6. Demands that Israel, the occupying Power, release forthwith all arbitrarily detained Palestine refugees, including the employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

"7. Calls once again upon Israel to compensate the Agency for damages to its property and facilities resulting from the invasion of Lebanon by Israel in 1982, without prejudice to the responsibility of the latter for all damages resulting from that invasion, as well as for other damages resulting from the policies and practices of Israel, the occupying Power, in the occupied Palestinian territory;

"8. Requests the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly, before the opening of its forty-eighth session, on the implementation of the present resolution."

2. On 18 February 1993, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 15 June 1993, the Permanent Representative of Israel replied as follows:

"Israel's position on this resolution was fully set forth in statements by Israel's representative to the Special Political Committee on 15 November 1985 (A/SPC/41/SR.14), and in the report of the Secretary-General (A/47/492).

"The adoption of resolution 47/69 I entitled 'Protection of Palestine refugees' is clearly hypocritical, anachronistic and out of place. Despite Israel's withdrawal from Lebanon in 1985, this resolution still blames Israel for the 'suffering' of the Palestinian Arabs in Lebanon. Not surprisingly, the sponsors of this resolution continue to blame Israel for Arab persecution of Palestinian refugees.

"In recent years, thousands of Palestinians have been killed and wounded in Lebanese refugee camps in vicious fighting totally unconnected with Israel. Likewise Palestinian refugee camps in Syria and Jordan have been the scenes of considerable human misery which the authors of resolution 47/69 I choose to ignore.

"This selective and distorted presentation of the Palestinian refugees' situation in Arab countries by the sponsors of resolution 47/69 I, clearly illustrates the double-standards inherent in this

resolution and the blatant disregard for the general welfare of the Palestinian refugees.

"In the context of the operative part of this resolution, it is emphasized that in keeping with international law, Israel alone is competent to ensure full protection to all the inhabitants of Judea, Samaria and the Gaza District."

4. As set out in his annual report for the period 1 July 1992 to 30 June 1993, 4/ the Commissioner-General of UNRWA has continued his efforts, with the Secretary-General, in support of the safety and security and the legal and human rights of the Palestine refugees in the occupied territory. In this connection, UNRWA international staff in the occupied territory, in particular refugee affairs officers and legal officers, have continued to play an important role in helping to reduce tensions, to prevent maltreatment of the refugees, especially vulnerable groups such as women and children, and to assist the refugees in coping with day-to-day problems of their life under occupation. The Commissioner-General has also protested to the Israeli authorities against excessive use of force, collective punishments, punitive demolitions, sealing of shelters and other such measures, as a failure on the part of the Israeli military authorities to uphold standards required under international humanitarian law. As part of the Commissioner-General's efforts in this regard, advice of a legal nature and a measure of financial assistance has been provided to refugees seeking to assert their legal rights. A fuller description of the efforts of the Commissioner-General in this regard is contained in his annual report. 4/

5. Section II.D of the annual report of the Commissioner-General of UNRWA to the General Assembly, 4/ reviews the efforts UNRWA has made during the period to continue its programme for the repair and reconstruction of refugee shelters.

6. There has been no progress on the claim by UNRWA against the Government of Israel regarding damage to its property and facilities resulting from the Israeli invasion of Lebanon in 1982.

Notes

1/ S/19443; see Official Records of the Security Council, Forty-third Year, Supplement for January, February and March 1988, document S/19443.

2/ S/21919 and Corr.1; see Official Records of the Security Council, Forty-fifth Year, Supplement for October, November and December 1990, document S/21919.

3/ S/22472; see Official Records of the Security Council, Supplement for April, May and June 1991, document S/22472.

4/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 13 (A/48/13).

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/377
30 September 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 85

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Protection of Palestinian students and educational institutions and safeguarding of the security of the facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the occupied Palestinian territory

Report of the Secretary-General

1. The present report is submitted to the General Assembly in pursuance of its resolution 47/69 K of 14 December 1992, the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Condemns the repeated Israeli raids on the premises and installations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and calls upon Israel, the occupying Power, to refrain from such raids;

"2. Deplores the policy and practices of Israel, the occupying Power, which have led to the prolonged closure of educational and vocational institutions, a large number of which are operated by the Agency, and the repeated disruption of medical services;

"3. Calls upon Israel, the occupying Power, to open immediately all closed educational and vocational institutions and to refrain from closing them thereafter;

"4. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution."

2. On 18 February 1993, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any steps his Government had taken or envisaged taking in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 15 June 1993, the Permanent Representative of Israel replied as follows:

> "This resolution is unbalanced, distorting the role and policy of the Government of Israel. The policy of the Government of Israel has been, and remains, to encourage the improvement and development of the educational system in Judea, Samaria and the Gaza District. During the period of Israel's administration, the level of education and literacy in these territories has improved markedly and many new institutions of learning were established.
>
> "Since December 1987, however, the schools have frequently been exploited as centres for the organizing and launching of violent activities.
>
> "Measures taken by the authorities have been a direct result of, and in reaction to, activities which have nothing to do with education.
>
> "Those measures have been successful and have enabled the authorities to permit the reopening of all educational institutions, including all seven institutions of higher education in the administered territories, as recently recognized by 26 C/Resolution 16 of the United Nations Educational, Scientific and Cultural Organization."

4. The following information concerning Israel's compliance with General Assembly resolution 47/69 K is based on reports from the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). It covers the period from 1 July 1992 to 30 June 1993 and relates exclusively to UNRWA educational institutions and other facilities. Further information is contained in the annual report of the Commissioner-General of UNRWA 1/ for the above-mentioned period.

5. During the period under review, there were 77 cases of unauthorized entry into UNRWA premises in the West Bank by the Israeli authorities. Of these, 34 related to schools and 3 to health centres. In the Gaza Strip there were 186 such cases, of which 86 related to schools and 74 to health centres. UNRWA has taken up these cases with the Israeli authorities who, in a number of instances, have claimed that UNRWA premises were entered because stones had been thrown from within, or stone-throwers were being chased into the premises.

6. During the same period, there were two fatalities and 39 cases of injury among students and trainees at UNRWA educational institutions in the West Bank. The corresponding figures for the Gaza Strip were 20 fatalities and 1,077 injuries. These casualties were attributable to beatings, tear-gas inhalation, rubber bullets and live ammunition. In addition, a total of 76 students and trainees in the West Bank and 159 in the Gaza Strip were detained, of whom 53 in the West Bank and 94 in the Gaza Strip were released by 30 June 1993.

7. In late 1992, the three training centres of UNRWA in the West Bank completed the 1991/1992 academic year. The 1992/1993 academic year began at all three training centres in the course of November 1992. An average of 21 per cent of academic time was lost due to general strikes, curfews and severe weather conditions. At the end of March 1993, the closure by the Israeli authorities of the West Bank and the Gaza Strip from Israel and East Jerusalem adversely affected the number of trainees and staff who were able to attend the training centres in the West Bank, particularly those from the Gaza Strip and the southern part of the West Bank. By June 1993, practical measures adopted by the Israeli authorities enabled most of the trainees and staff thus affected to attend the training centres. Owing to a concern for educational pursuit and the demands of the students who were not allowed to leave Gaza, the Agency requested and obtained permits from the Israeli authorities for students from Gaza attending UNRWA training centres in the West Bank. However, of a total of 361 students from the Gaza Strip attending Ramallah and Kalandia Training Centres, 33 students did not receive permits to study in the West Bank. The Gaza Training Centre lost 29 per cent of days as result of military closure orders and 10 per cent of days owing to general strikes and curfews.

8. In the West Bank, a total of 8 per cent of school time was lost between September 1992 and June 1993, owing primarily to military closures, general strikes and curfews. In the Gaza Strip, the corresponding amount of school time lost was 16.8 per cent. Two schools were closed throughout the entire year by a military closure order. Alternative places of education were used for teaching classes from schools that were closed by military order.

9. During the reporting period, the Agency provided students in the West Bank and the Gaza Strip with distance education and self-learning materials, but such measures can provide only partial compensation for lost classroom time. Preliminary analysis of achievement tests that UNRWA administered to students at the beginning of the 1992/1993 academic year in a wide variety of subjects disclosed a detrimental effect on the educational performance of students.

Notes

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 13 (A/48/13), paras. 135-140 and 149-153.